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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 209/2018

ADITI KUNDU

..... Appellant

Through: Mr.Manish Srivastava and Mr.Aditya
Gupta, Advocates

versus

GURU GOBIND SINGH INDRAPRASHTHA
UNIVERSITY

..... Respondent

Through: Mr.Harsh Kaushik, Advocate
Ms.Avnish Ahlawat, Standing Counsel
(GNCTD) with Mr.N.R.Singh, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **18.04.2018**

CM No.15089/2018

Allowed subject to just exceptions.

LPA No.209/2018 & CM No.15088/2017

1. Learned counsel appearing on behalf of the appellant, after making lengthy submissions, limits the relief in the present appeal to the modification of the findings contained in paragraph 8 thereof, inasmuch as, they preclude the grant of any monetary benefit to the appellant even in case the respondent-University chooses to accept her application for withdrawal of resignation.
2. It is also urged that the appellant be granted liberty to assail the speaking order directed to be passed by the respondent-University on the appellant's application for withdrawal of resignation in the event she is aggrieved by it.
3. Having heard learned counsel appearing on behalf of the parties, we

are of the view that insofar as the impugned order disentitles the appellant from the grant of monetary benefits even if the respondent-University chooses to accept her application for withdrawal of resignation, the same is unsustainable in law. We say so for the reason that if the appellant were to continue in service, as a consequence of the respondent-University permitting her to withdraw her resignation, she would continue to be in the employ of the said University where she has rendered service during the relevant period. Therefore, to visit her with the consequences of disentitlement from grant of monetary benefits is untenable in these circumstances.

4. In view of the foregoing, the impugned order is set aside to the extent that it directs that the appellant would not be entitled to the grant of any monetary benefits even if the respondent-University chooses to accept her application for withdrawal of the resignation submitted by her. The rest of the impugned order is however upheld. The respondent-University shall dispose off the appellant's application seeking withdrawal of her resignation, within four weeks from today, under intimation to the appellant, who shall be at liberty to assail the same, in the event she is aggrieved by it.

5. With the above directions, the appeal and the application are disposed off.

SIDDHARTH MRIDUL, J.

VINOD GOEL, J.

APRIL 18, 2018/*mamta*